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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-293

12 **CHRISTOPHER TEMPLE HENSON**

13 720 W. Santa Maria Space 5
Santa Paula, CA 93060

A C C U S A T I O N

14 Registered Nurse License No. 389537

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about August 31, 1985, the Board issued Registered Nurse License No. 389537
23 to Christopher Temple Henson (Respondent). The Registered Nurse License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on December 31, 2012,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, . . .

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

8. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

9. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

REGULATORY PROVISION

10. California Code of Regulations, title 16, section 1444, states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160....”

COST RECOVERY

11. Section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 12. Respondent is subject to disciplinary action under sections 490 and 2761,
4 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that
5 on or about June 10, 2011, Respondent was convicted of a substantially related crime, as follows:

6 a. On or about June 10, 2011, after pleading guilty, Respondent was convicted of one
7 misdemeanor count of violating Penal Code section 647(f) [public intoxication] in the criminal
8 proceeding entitled *The People of the State of California v. Christopher Temple Henson* (Super.
9 Ct. Ventura County, 2011, No. 2011016965 M A). The Court sentenced Respondent to one (1)
10 day in jail.

11 b. The circumstances underlying the conviction are that on or about May 11, 2011,
12 Respondent after having a meal with beer walked out of a store without paying \$35.18. After
13 being confronted by Ventura Police Department officers, Respondent while exhibiting signs and
14 symptoms of alcohol intoxication returned to the store, paid his outstanding bill, and became
15 verbally aggressive directing expletives at the store staff and officers. Respondent was
16 determined to be unable to care for himself and was arrested.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Alcohol Related Conviction)**

19 13. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
20 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about
21 June 10, 2011, Respondent sustained a conviction resulting from the excessive consumption of
22 alcoholic beverages. Complainant refers to and by this reference incorporates the allegations set
23 forth above in paragraph 12, subparagraphs a and b, inclusive, as though set forth fully.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Alcohol)**

26 14. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
27 and 2762, subdivision (b), on the grounds of unprofessional conduct, on or about May 11, 2011,
28 Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to

1 himself or others. Complainant refers to and by this reference incorporates the allegations set
2 forth above in paragraphs 12 and 13, inclusive, as though set forth fully.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct / Violate Act)**

5 15. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
6 or (d), in that Respondent committed acts of unprofessional conduct and / or conduct violating the
7 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set
8 forth above in paragraphs 12 - 14, inclusive, as though set forth fully.

9 **DISCIPLINE CONSIDERATIONS**

10 16. To determine the degree of discipline, Complainant alleges that:

11 Subsequent to the Board issuing Respondent his initial registered nurse license on
12 August 31, 1985, Respondent admitted to the board that he had been a "clean, dry, sober
13 rehabilitating alcoholic and drug abuser since October 1978," and informed the board of his prior
14 conviction history in 1973, through 1978, as follows:

<u>Approximate Conviction Dates:</u>	<u>Summary</u>
1973	DUI, Alcohol, 10 days jail
June 1975	Court Ordered Drug Diversion
October 1978	DUI, 90 days jail, 3 years probation, 30 days observation at Camarillo State Hospital

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board issue a decision:

23 1. Revoking or suspending Registered Nurse License No. 389537, issued to Christopher
24 Temple Henson;

25 2. Ordering Christopher Temple Henson to pay the Board the reasonable costs of the
26 investigation and enforcement of this case, pursuant to section 125.3; and

27 ///

28 ///

3. Taking such other and further action as deemed necessary and proper.

DATED: October 15, 2012 for Annie Benn
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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